

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF WILLIAMSBURG )  
 )

IN THE COURT OF COMMON PLEAS  
 THIRD JUDICIAL CIRCUIT

Jennifer Walker, individually, and as Parent )  
 Natural Guardian, Next Friend of K.W., a )  
 minor and Roslyn Venetia Walker, )  
 )

PLAINTIFFS, )

V. )

Gurvir Singh Benipal and Stanford )  
 Transportation Inc., )  
 )

DEFENDANTS. )  
 \_\_\_\_\_ )

SUMMONS

**TO THE DEFENDANTS NAMED ABOVE:**

**YOU ARE HEREBY SUMMONED** and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the Plaintiff or his attorney, M. Amanda Shuler, Esquire, WHETSTONE PERKINS & FULDA, LLC, 112 North Jackson Street, Post Office Box 980, Kingstree, South Carolina, 29556, within thirty (30) days after the service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for Judgment by default for the relief demanded in the Complaint.

**DATED** at Kingstree, South Carolina, on this 21st day of October 2021.

By: s/M. Amanda Shuler  
 M. Amanda Shuler SC Bar No. 76277  
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1. Plaintiff Jennifer Walker is a citizen and resident of Williamsburg County, South Carolina.
2. Plaintiff Jennifer Walker is the mother of K.W., a minor child, and brings this action as parent, natural guardian and next friend of K.W. seeking compensation for her and on her behalf for injuries she sustained as a result of the incident that is the subject of this civil action.
3. Plaintiff Jennifer Walker is the mother of Plaintiff Roslyn Venetia Walker and is the parent, natural guardian, and next friend of K.W. and individually brings this action seeking past and future medical-related expenses and necessities from Defendants for treatment received by her minor daughter, K.W. and expenses she incurred on behalf of Roslyn Venetia Walker when Plaintiff Roslyn Venetia Walker was a minor.
4. Plaintiff K.W. is the minor child of Jennifer Walker with whom K.W. resides, and is a citizen and resident of Williamsburg County, South Carolina and was thirteen years old at the time of the incident that is subject to this civil action.
5. Plaintiff Roslyn Venetia Walker is a citizen and resident of Williamsburg County, South Carolina. At the time of the accident, she was sixteen years old and resided with Plaintiff Jennifer Walker.

6. Upon information and belief, Defendant Gurvir Singh Benipal is a citizen and resident of the State of California.
7. Upon information and belief, Stanford Transportation, Inc. is a corporation organized and existing under the laws of the State of California and operates a trucking company that engages in interstate transport.
8. This suit arises out of injuries sustained by K.W. and Roslyn Walker when the motor vehicle operated by Plaintiff Roslyn Walker was struck by the tractor trailer owned by Defendant Stanford Transportation Inc. and operated by Defendant Benipal.
9. Jurisdiction and venue are proper in the State of South Carolina, County of Williamsburg as the incident that gives rise to this complaint occurred within Williamsburg County, South Carolina.

FOR A FIRST CAUSE OF ACTION  
AS TO ALL DEFENDANTS  
(Negligence)

10. On or about October 10, 2018, Plaintiff Roslyn Walker was driving herself and her sister, K.W., to school in her Ford SUV. At approximately 7:10 a.m., in Williamsburg County, South Carolina, her Ford SUV was struck by a tractor trailer owned by Defendant Stanford, Inc. and operated by Defendant Benipal.
11. Plaintiff Roslyn Walker had the right of way and was traversing through the intersection of Academy Street and U.S. Highway 52 in the Town of Kingtree, County of Williamsburg, State of South Carolina when she was struck by the Defendants.
12. Defendant Benipal was exceeding the posted speed limit in the rain and failed to stop for the traffic control light due to his excessive speed when he struck Plaintiff Roslyn Walker.
13. Plaintiff Roslyn Walker's vehicle became wedged under the Defendants' trailer behind the tires of the tractor causing the Defendant to drag her vehicle about 100 feet before coming to a stop.
14. Defendant Benipal was exceeding the posted speed limit in the rain on a narrow street in the Town of Kingtree, County of Williamsburg, State of South Carolina when he struck Plaintiff Roslyn Walker and K.W.

15. Plaintiff Roslyn Walker experienced loss of consciousness due to the accident. She was removed via extrication due to the extensive damage to her vehicle and transported via emergency medical service to a trauma hospital.
16. K.W. was transported to the hospital by her father, Michael Walker, for assessment and treatment of her injuries.
17. Defendants Benipal and Sanford Transportation, Inc. owed the Plaintiffs a duty of reasonable care while operating the tractor trailer in a safe manner in compliance with the posted speed limits, traffic control devices and in compliance with statutory and common laws in South Carolina.
18. Defendants Benipal breached that duty to the Plaintiffs by carelessly, negligently and recklessly operating the tractor trailer and subsequently causing severe injury to K.W. and catastrophic injury to Plaintiff Roslyn Walker.
19. Defendant Benipal and Defendant Sanford Transportation's were negligent, negligent per se, careless, reckless, grossly negligent, willful, and wanton in the following particulars:
  - a) In operating a tractor trailer at a speed greater than posted on a narrow road in the rain;
  - b) In causing the tractor trailer to strike the vehicle operated and occupied by the Plaintiffs;
  - c) In failing to keep the tractor trailer under proper control;
  - d) In driving at an excessive and unreasonable rate of speed under the conditions;
  - e) In failing to obey traffic control lights;
  - f) In failing to timely apply the brakes;
  - g) In failing to use the degree of care and caution that a reasonably prudent person would have used under the same or similar circumstances then prevailing;
  - h) In failing to maintain a proper lookout;
  - i) In failing to monitor drivers for speeding;
  - j) In failing to properly train its drivers;
  - k) And in such other and further particulars as the evidence may show at trial.

All of which acts and omissions, or both, were the actual, direct and proximate cause of the damages and injuries claimed herein.

20. As a direct and proximate result of the Defendants willful, wanton, reckless, grossly negligent and negligent acts as set forth herein, the Plaintiffs have suffered injuries, which have caused and in the future will cause one or more of the following elements of damage:
  - a) Physical pain;
  - b) Permanent physical injury;
  - c) Suffering;

- d) Mental anguish;
  - e) Emotional distress;
  - f) Shock and injury to K.W. and Plaintiff Roslyn Walker's nerves and nervous system;
  - g) Medical bills, expenses and other economic loss;
  - h) Impairment of health and bodily efficiency;
  - i) Loss of enjoyment of life;
  - j) Increased susceptibility to future injury;
  - k) Future medical expenses;
  - l) Permanent nerve damage and altered physical appearance as to Plaintiff Roslyn Walker;
  - m) Other damages that will be shown at trial.
21. As a direct result of the Defendants' acts and/or omissions, the Plaintiffs have sustained and will sustain as damages the medical expenses for past and future treatment, goods, and services for K.W. until she reaches the age of eighteen (18) and past medical expenses for treatment for and Roslyn Walker.
22. Due to the willful, wanton, reckless, grossly negligent and negligent acts of the Defendant as set out above, as well as the willful violation of state law, Plaintiffs are entitled to recover actual and punitive damages, jointly and severally as determined by a jury.

AS A SECOND CAUSE OF ACTION  
AS TO DEFENDANT STANFORD TRANSPORTATION, INC.  
(Negligence, Negligent Entrustment and Negligent Supervision)

23. Plaintiffs reiterate and reallege each and every allegation contained herein as if restated verbatim.
24. Defendant Stanford Transportation, Inc. was the owner and was in control of the tractor trailer driven by Defendant Benipal at the time of the incident giving rise to this lawsuit and were in the best position to prevent this incident from occurring.
25. Defendant Stanford Transportation, Inc. had a duty to entrust the tractor trailer to only those that were qualified and properly trained to use and operate the tractor trailer in accordance with all applicable state and federal laws.
26. Defendant Stanford Transportation, Inc., through its owners and operators, entrusted the tractor trailer to the Defendant Benipal without ensuring that he would comply with all applicable state and federal laws and without ensuring that he would safely operate the tractor trailer.

27. Defendant Stanford Transportation, Inc., through its owners and operators, permitted Defendant Benipal to operate the tractor trailer at a speed greater than permitted under the circumstances while under the direct supervision of its owners and/or operators.
28. That the acts of the Defendant by its agents, servants and employees were negligent, grossly negligent, careless, reckless, willful and wanton in one or more of the following particulars, to-wit:
  - a) In failing to properly supervise its employees;
  - b) In permitting its employees to operate its tractor trailer in violation of state traffic laws;
  - c) In failing to properly train its employees;
  - d) In failing to monitor its electronic logs;
  - e) And in such other and further particulars as the evidence may show at trial.
29. As a direct and proximate result of the Defendants willful, wanton, reckless, grossly negligent and negligent acts as set forth herein, the Plaintiffs have suffered injuries, which have caused and in the future will cause one or more of the following elements of damage:
  - a) Physical pain;
  - b) Permanent physical injury;
  - c) Suffering;
  - d) Mental anguish;
  - e) Emotional distress;
  - f) Shock and injury to K.W. and Plaintiff Roslyn Walker's nerves and nervous system;
  - g) Medical bills, expenses and other economic loss;
  - h) Impairment of health and bodily efficiency;
  - i) Loss of enjoyment of life;
  - j) Increased susceptibility to future injury;
  - k) Future medical expenses;
  - l) Permanent nerve damage and altered physical appearance as to Plaintiff Roslyn Walker;
  - m) Other damages that will be shown at trial.
30. As a direct result of the Defendant's acts and/or omissions, the Plaintiffs have sustained and will sustain as damages the medical expenses for past and future treatment, goods, and services for K.W. until she reaches the age of eighteen (18) and past medical expenses for treatment for and Roslyn Walker.
31. Due to the willful, wanton, reckless, grossly negligent and negligent acts of the Defendant as set out above, as well as the violation of state law, Plaintiffs are entitled to recover actual and punitive damages, jointly and severally as determined by a jury.

32. Due to the willful, wanton, reckless, grossly negligent and negligent acts of the Defendant as set out above, as well as the violation of state law, Plaintiffs are entitled to recover actual and punitive damages, jointly and severally as determined by a jury.

WHEREFORE, the Plaintiffs pray until this Honorable Court as follows:

1. For Judgment against the Defendants jointly and severally;
2. For an award of actual damages in an amount to be determined at trial;
3. For an award of punitive damaged in an amount to be determined at trial;
4. For the costs of this action; and
5. For such other and further relief as the Court deems just and proper.

October 21, 2021  
Kingstree, South Carolina

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